

Texas State Board of Examiners of Marriage and Family Therapists

Board Meeting

Friday, July 24, 2020, 8:30 a.m.

THIS MEETING DID NOT HAVE A PHYSICAL LOCATION.

IT WAS A VIDEOCONFERENCE OPEN TO THE PUBLIC.

MINUTES

Board Members Present:

Ken Bateman, Professional Member
George Francis, Public Member
Lisa Merchant, Professional Member
Michael Miller, Public Member
Anthony Scoma, Public Member
Richmond Stoglin, Professional Member
Jennifer Smothermon, Professional Member

Staff Present:

Jeff Bulloch
Sarah Faszholz
Georgia Norman
Tim Speer

Guests Present:

Angie
Russ Bartee
Pamela Bermander
Ariel Davis-Holloway
Katie Donihoo
Carter Ebbesen
Jodi Elder
Alfonso Fernandez
Lisa Fragoso
Jeff Gdula
Matthew Hamrick
Patrick Hyde
Nakita Johnson
Jason Martin
Oscar Pinzon
Dean Pye
Diana Reinhart
Darrel Spinks

Agenda Item 1 was to call the meeting to order at 8:31 a.m, by Ms. Smothermon, chair.

Agenda Item 2 was the approval of the minutes of the April 17, 2020, telephonic Board meeting. A motion was made by Mr. Miller to approve the minutes. The motion was seconded and passed.

Agenda Item 3 was the discussion and possible action to elect a Vice-Chair of the Texas State Board of Examiners of Marriage and Family Therapists pursuant to 22 Texas Administrative Code, §801.11, The Board. Dr. Bateman made the motion to nominate Lisa Merchant to serve as Vice-Chair. Dr. Merchant accepted the nomination. Mr. Miller made the motion to close the nomination and elect Lisa Merchant as Vice Chair. The motion was seconded and passed.

Agenda Item 4 was the discussion and possible action to elect a professional member delegate to the Texas Behavioral Health Executive Council per 3 Texas Occupations Code, §507.051, if Chair Smothermon, who serves as the current delegate, is replaced on the board by new governor appointee per 3 Texas Occupations Code, §502.051. Rev. Dr. Scoma made the motion to nominate and elect Ken Bateman to serve as professional member delegate, if needed. Dr. Bateman accepted the nomination. The motion was seconded and passed.

Agenda Item 5 was the discussion and possible action to elect a board member delegate to the Texas Behavioral Health Executive Council Incubation Task Force per House Bill 1501 §4.006, 86th Texas Legislature, 2019 Regular Session, if Chair Smothermon, who serves as the current delegate is replaced on the board by new governor appointee per 3 Texas Occupations Code, §502.051. Dr. Bateman made the motion to nominate and elect George Francis to serve as board member delegate, if needed. Mr. Francis accepted the nomination. The motion was seconded and passed.

Agenda Item 6 was the discussion and possible action regarding selection of three board members to serve on Disciplinary Review Panel to implement Texas Behavioral Health Executive Council rules in 22 Texas Administrative Code, §884.11(c), concerning Informal Conferences. The board directed staff to select board members to serve on the Disciplinary Review Panel from the members who serve on the ethics committee. Members are assigned to serve on the ethics committee by the direction of the board chair.

Agenda Item 7 was the discussion and possible action regarding the Board's complaint and enforcement functions. Ms. Faszholz gave the report regarding the status of open complaints, compliance activities, Complaint Review Team activities, and complaint trends. Ms. Faszholz provided report on cases awaiting possible informal conference. Attorney Bulloch noted State Office of Administrative Hearings (SOAH) cases in process of transfer to the Texas Behavioral Health Executive Council's legal staff.

Agenda Item 8 was the discussion and possible action regarding application, licensure and supervision issues.

- Concerning Ariel Davis-Holloway, Mr. Miller made the motion to accept documented hours accrued under California license, noting deficiency persists for LMFT licensure. The motion was seconded and passed.
- Regarding Katie Donihoo, the board declined to act, affirming staff's assessment that deficiency exists and instructing staff to apply board rules as warranted.
- Concerning Carter Ebbesen, Mr. Francis made the motion to accept documented hours accrued under California license, noting deficiency persists for LMFT licensure. The motion was seconded and passed.
- Regarding Matthew Hamrick, Mr. Miller made the motion to accept documented hours of military experience, noting that deficiency persists for LMFT licensure. The motion was seconded and passed.
- Regarding applications and forms, Ms. Faszholz gave report. No action was taken.
- Concerning licensing matrix, no action was taken.

Agenda Item 9 was the discussion and possible action regarding the jurisprudence exam. No action taken.

Agenda Item 10 was the discussion and possible action regarding rules.

- Concerning discussion and possible action regarding recommendations to the Texas Behavioral Health Executive Council for rule change to 22 Texas Administrative Code, §801.44(c) regarding Relationships with Clients. Mr. Francis made motion to recommend the changes as discussed. The motion was seconded and passed.
- Regarding discussion and possible action concerning recommendations to the Texas Behavioral Health Executive Council for rule change to 22 Texas Administrative Code, §801.143 regarding AAMFT supervisor candidate's eligibility for supervisor status. Mr. Miller made the motion to table. The motion was seconded and passed.
- Concerning discussion and possible action regarding Title 22 of the Texas Administrative Code, new §801.206, concerning Licensing of Persons with Criminal Convictions, which was recommended by majority board vote on April 17, 2020 and rejected for publication of proposed rules by the Texas Behavioral Health Executive Council on June 16, 2020. Mr. Miller made the motion to recommend that changes as discussed. The motion was seconded and passed.
- Regarding discussion and possible action concerning Title 22 of the Texas Administrative Code, new §801.305 Schedule of Sanctions, which was recommended by majority board vote on April 17, 2020 and endorsed for publication of proposed rules by the Texas Behavioral Health Executive Council on June 16, 2020. Mr. Miller made the motion to recommend that changes as discussed. The motion was seconded and passed.

Agenda Item 11 was the discussion and possible final action on agreed orders, default orders, and final orders in enforcement cases. Concerning Case #1062-16-0047 JF, Chair Smothermon recused; Rev. Dr. Scoma made the motion to approve the Order. The motion was seconded and passed. Regarding Case #1062-17-0016 RH, Chair Smothermon recused; Mr. Miller made the motion to approve the Order. The motion was seconded and passed.

Agenda Item 12 was the discussion regarding proposal to convene Fall 2020 board meetings at University of Mary Hardin-Baylor in Belton, Texas or send a delegate to the Association of Marriage and Family Therapy Regulatory Boards (AMFTRB) 34th Annual Meeting of State Delegates to be held September 22 and 23, 2020 in Seattle, Washington. Mr. Miller made the motion to convene Spring for Fall 2021 board meeting at the University of Mary Hardin-Baylor, as conditions allow. The motion was seconded and passed. Announcement was made that AAMFTRB meeting is scheduled to be a virtual meeting only; thus, any board member may attend (but only one delegate may vote).

Agenda Item 13 was the discussion concerning board's strategies for communication to stakeholders and stakeholder engagement. No action was taken.

Agenda Item 14 was the discussion regarding recommendations from Council on Licensure, Enforcement & Regulation (CLEAR). No action taken.

Agenda Item 15 was the report from the Board Chair concerning current challenges and accomplishments; lawsuits; interaction with stakeholders, state officials, and staff; committee appointments and functions; workload of board members; conferences; and general information regarding the routine functioning of the board. Ms. Smothermon gave the report.

Agenda Item 16 was the report from the Interim Executive Director concerning program operations; customer service accomplishments, inquiries, and challenges; current and/or historical licensee statistics; media, legislative, and stakeholder contacts and concerns; workload processing; special projects assigned to interim executive director; and general information regarding the routine functioning of the licensure program. Ms. Faszholz gave the report.

Agenda Item 17 was the Management report from the Professional Licensing and Certification Unit Manager, concerning unit organization and staffing; program costs and revenue; current operational initiatives; customer service accomplishments and challenges; workload processing and statistical information; status of rulemaking within the unit; legislative and media contacts and tracking; and general information regarding routine unit functions. Mr. Speer gave the report.

Agenda Item 18 was the Executive Council report from the Executive Director, concerning launch and operations of Texas Behavioral Health Executive Council. Chair Smothermon gave the report on behalf of Director Spinks.

Agenda Item 19 was the discussion and possible action regarding future priorities and activities of the board. No action was taken.

Agenda Item 20 was public comment. Three people addressed the board.

Agenda Item 21 was Executive Session: Consultation with board attorney pursuant to Government Code § 551.071 regarding pending or contemplated litigation and/or settlement offers. There was no executive session.

Agenda Item 22 was the discussion and possible action regarding pending or contemplated litigation or settlement offers. No action was taken.

Agenda Item 23 was announcements and comments not requiring committee action, such as statements regarding conferences and other recent or upcoming events. The next meeting of the board is proposed for August 14, 2020; then, October 16 and 17, 2020.

Agenda Item 24 was adjournment. The meeting adjourned at 5:19 p.m.